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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,277	10/17/2001	Anton Oguzhan Alford Andrews	NL000567	7781

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

BATURAY, ALICIA

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,277

Applicant(s)

ANDREWS ET AL.

Examiner

Alicia Baturay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7 and 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/982,277.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09172002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the amendment filed 11 April 2005.
2. Claims 1, 4-7, and 9-14 were amended.
3. Claims 2 and 3 were cancelled.
4. Claims 1, 4-15 are pending in this Office Action.

Response to Amendment

5. The objection to the abstract regarding minor informalities was addressed and is withdrawn.
6. The objection to the specification regarding minor informalities was addressed and is withdrawn.
7. The rejection of claims 2 and 3 under 35 U.S.C. § 112, 2nd paragraph regarding an insufficient antecedent basis is moot due to cancellation of the aforementioned claims.
8. The rejection of claim 4 under 35 U.S.C. § 112, 2nd paragraph an insufficient antecedent basis was addressed and is withdrawn.
9. The rejection is respectfully maintained as set forth in the last Office Action mailed on 10 January 2005. Applicant's arguments with respect to claims 1, 4-7 and 9-14 have been fully considered but they are deemed to be moot and the old rejection maintained.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1, 4-7 and 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by King et al. (U.S. 6,169,498).

King teaches the invention as claimed including the use of location-specific messages that are transmitted to a portable device wirelessly (King, Abstract).

12. As to claim 1, King teaches a system for storing and accessing information units the system comprising

At least one storage device for storing information units (King, Fig. 3; col. 5, lines 23-25); at least one presentation device for presenting the information units (King, Fig. 1; col. 4, lines 16-37); a network connecting the storage device and the presentation device (King, col. 5, lines 23-29), where an information unit of the information units is assigned to a location (King, col. 4, lines 30-32); positioning means for determining the physical location of the presentation device; and presentation control means for controlling the presentation of the information unit in

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dependence on the physical location of the presentation device and on the location to which the information unit is assigned (King, col. 5, lines 26-31) such that a full presentation of the information unit is permitted when the physical location of the presentation device and the location to which the information unit is assigned are substantially equal (King, col. 4, lines 41-48), and a limited presentation of the information unit is permitted when a relatively small distance separates the physical location of the presentation device and the location to which the respective information unit is assigned (King, col. 5, lines 53-64).

13. As to claim 4, King teaches the invention described in claim 1, including the system, the presentation control means being arranged to prohibit presentation of the information unit if there is a relatively large distance between the physical location of the presentation device and the location to which the information unit is assigned (King, col. 6, lines 21-28).

14. As to claim 5, King teaches the invention described in claim 1, including the system, the presentation device being a portable device (King, col. 4, lines 24-26).

15. As to claim 6, King teaches the invention described in claim 1, including the system, the presentation device being capable of creating and/or modifying the information unit which is assigned to the current physical location of the presentation device (King, col. 6, lines 50-53).

The Authoritative Dictionary of IEEE Standards Terms states that RAM is "a type of temporary data storage (memory) that can be read and changed while the computer is in use."

This speaks to the ability to modify the message.

16. As to claim 7, King teaches the invention described in claim 1, including the system, the network being at least partly a wireless network (King, col. 4, lines 24-26).
17. As to claim 8, King teaches the invention described in claim 1, including a presentation device for use in a system (King, Fig. 1; col. 4, lines 16-37).
18. As to claim 9, King teaches the invention described in claim 8, including the presentation device, comprising positioning means for determining the physical location of the presentation device (King, col. 7, lines 50-58).
19. As to claim 10, King teaches the invention described in claim 8, including the presentation device, the positioning means comprising a Global Positioning System unit (King, col. 7, lines 50-60).
20. As to claim 11, King teaches the invention described in claim 8, including the presentation device, comprising presentation control means for controlling the presentation of the information unit in dependence on the physical location of the presentation device and on the location to which the respective information unit is assigned (King, col. 5, lines 53-64).

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21. As to claim 12, King teaches the invention described in claim 8, including the system, the presentation device being a portable device (King, col. 4, lines 24-26).
22. As to claim 13, King teaches the invention described in claim 8, including the system, the presentation device being capable of creating and/or modifying the information unit which is assigned to the current physical location of the presentation device (King, col. 6, lines 50-53). The Authoritative Dictionary of IEEE Standards Terms states that RAM is “a type of temporary data storage (memory) that can be read and changed while the computer is in use.” This speaks to the ability to modify the message.
23. As to claim 14, King teaches a method of storing and accessing information units, the method comprising: storing the information units by means of at least one storage device (King, Fig. 3; col. 5, lines 23-25); presenting an information unit of the information units by means of at least one presentation device (King, Fig. 1; col. 4, lines 16-37); and connecting the storage device and the presentation device by means of a network (King, col. 5, lines 23-29); assigning each information unit to a location (King, col. 4, lines 30-32); determining a physical location of the presentation device; and controlling the presentation of the information unit in dependence on the physical location of the presentation device and on the location to which the information unit is assigned (King, col. 5, lines 26-31), such that a full presentation of the information unit is permitted when the physical location of the presentation device and the location to which the information unit is assigned are substantially equal (King, col. 4, lines 41-48), and a limited presentation of the information

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unit is permitted when a relatively small distance separates the physical location of the presentation device and the location to which the respective information unit is assigned (King, col. 5, lines 53-64).

24. As to claim 15, King teaches the invention described in claim 8, including a computer program product enabling a computer, when executing said computer program product, to function as a presentation device (King, col. 4, lines 16-40).

Response to Arguments

25. Applicant's arguments filed 11 April 2005 have been fully considered, but they are not persuasive for the reasons set forth below.

26. ***Applicant Argues:*** Applicant states "King does not disclose or suggest controlling full or limited presentation of the information unit based upon a relative distance between the physical location of the presentation device and the location to which the information unit is assigned. That is, King is not directed to controlling what portion on the information unit is to be displayed based on distance."

In Response: The examiner respectfully submits that King discusses the controller's ability to play location-specific messages of a specified level of depth of commentary (full presentation of the information unit) when the device is within the range of the broadcast

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(when the physical location of the presentation device and the location to which the information unit is assigned are substantially equal – see King, col. 4, lines 41-48). Additionally, King discloses a limited presentation of the information unit (an identifier) when a relatively small distance separates the physical location of the presentation device and the location to which the information unit is assigned (choose which appropriate location-specific message to play when the device is within the range of the broadcast – see King, col. 5, lines 53-64). Upon entering the range of the information unit, the controller either plays the message assigned to a specific location or displays an identifier of an information unit that allows the user to choose which depth of information he or she would like to hear. This renders the rejection proper, and therefore the rejection stands.

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

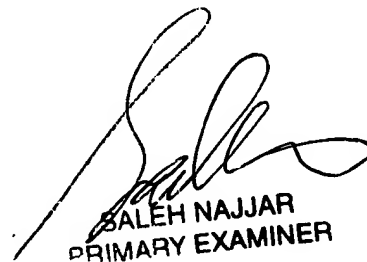
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay
June 21, 2005



SALEH NAJJAR
PRIMARY EXAMINER